

## PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO      January 12, 2010

### Meeting

Chairman Mike McFarland called the meeting of the Tipp City Planning Board to order at 7:30 p.m.

### Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, and Mark Springer.

Others in attendance: City Planner/Zoning Administrator Matt Spring and Board Secretary Marilyn Fennell. Micheal Quinn and Scott M. Brownlee signed the register.

### Excuse Board Member's Absence

Mr. McFarland **moved to excuse Ms. Davis'** absence. Mr. Springer seconded the motion. Motion passed 3-0.

### Approval of Minutes December 8, 2009 Meeting

Mr. Springer **moved to approve the minutes of the December 8, 2009 meeting as presented.** Mr. Berbach seconded the motion. Motion passed 3-0.

### Election of Chairman and Vice-Chairman

Mr. McFarland opened nominations for Chairman of the Planning Board. Mr. Berbach nominated Mr. Springer for Chairman for 2010. Mr. McFarland seconded the nomination. There being no further nominations, Mr. Berbach **moved to close the nominations.** Mr. McFarland seconded the motion, motion passed 3-0. Mr. McFarland called for an oral vote. Vote passed 2-0. Mr. McFarland passed the gavel to Mr. Springer.

Mr. Springer **moved to open the** nominations for Vice-Chairman. Mr. McFarland seconded the motion. Motion passed 3-0. Mr. McFarland nominated Mr. Berbach. Mr. Springer seconded the nomination. There being no further nominations, Mr. Berbach **moved to close the nominations.** Mr. McFarland seconded the motion. Motion passed 3-0. Mr. Springer called for an oral vote and Mr. Berbach was elected Vice-Chairman 2-0.

### Items not on the Agenda

There were no comments on items not on the agenda.

### NEW BUSINESS Deadline Dates

Mr. Springer announced the deadline for the February 9, 2010 meeting as follows: Preliminary Plans, Final Plats and Site Plans- January 18, 2010, 5:00pm.

D. Swearingen for  
M. Quinn, 785  
Hardwick Ct., IL  
2838- Replat

The first item of business was a request by David Swearingen of The Site Group for property owners, Micheal and Angela Quinn, 785 Hardwick Court, for a replat of Inlot 2838 whereby a portion of an existing detention basin easement is vacated. Mr. Spring explained that this will accommodate an existing deck that encroaches into the existing easement  $\pm$  6.2 feet. The deck was built at the time of the original home construction in 1993 but did not receive a Zoning Compliance Permit. Mr. Spring explained that the owners have been engaged in a landscaping project in the rear yard which included the addition of various landscaping elements within the existing detention

basin easement. This included various plant materials, soil/mulch and a retaining wall. The applicant notified the City Engineer regarding the additions (fill) to the detention basin. During a review by City Engineer Vagedes it was noted the deck encroached into the detention basin easement and he requested that the applicant rectify the situation by a replat. The existing lot contains a polygonal drainage basin and utility easement in the rear yard. The drainage basin easement was originally platted to accommodate the required storm water detention area for part of the Windmere Subdivision. This replat will vacate a triangular section of the easement abutting the home and encompassing the existing deck. The balance of the detention basin and utility easement to the north will be retained. The existing 7.5' western and 5' eastern easement will also be retained.

Mr. Spring added that Mr. Vagedes has approved the storm water drainage (volume) calculations associated with the replat. A notation has been added to the replat that will be filed with Miami County:

*New Inlot \_\_\_\_ is governed by Windmere Subdivision, as shown on Recorder's Plat Book 16, Page 34 and current and future property owners recognize and acknowledge at the time of filing this replat and upon subsequent transfer of this property that the detention basin's water level will be up against the landscaping walls and deck. The current and future property owners further agree to hereby hold the City of Tipp City, its public officials, agents, and employees harmless from any and all claims or damages to property or persons resulting from the location of the deck and/or landscaping walls forever hereafter.*

Mr. Spring added that the Miami County Engineer's Map Department has reviewed and approved the proposed replat for accuracy and completeness. Mr. Spring said staff recommended the requested replat with the following condition: The applicant will obtain a Zoning Compliance Permit for the existing deck and retaining wall (fence) within 30 days of recording of the replat with the Miami County Recorder's Office.

Mr. Spring said the propertyowner, Mr. Quinn was present. Mr. McFarland asked about the deck being built without the proper permits. Mr. Spring said that was something he did not have an answer for as it was done in 1993. The deck is not shown on the plans that were approved by the City for Zoning Compliance. Mr. Berbach said it appears that the Quinns have done everything correctly at this point. Mr. Springer asked about the part of the phrase, "the property owners hold the City harmless from any and all claims.....". Mr. Springer asked where that is recorded. Mr. Spring said it would be recorded with the replat and it would be discovered upon any subsequent title search for this property.

Mr. McFarland **moved to approve the requested replat and that the property owner obtain a Zoning Compliance Permit for the existing deck and retaining wall within 30 days of the replat being recorded with the statement requested by the City Engineer.** Mr. Berbach seconded the motion. Mr. Springer asked for any further discussion. There was none. Motion passed 3-0.

## Old Business

There was no Old Business to discuss.

**Miscellaneous**  
City Council 2010  
Meeting  
Assignments

City Council  
Reports:  
December 21,  
2009- Mr.  
McFarland  
January 4, 2010-  
Mr. McFarland

Board member  
comments

The Board members had reviewed the list of meetings. Mr. McFarland volunteered for January 18, October 25, November 22, and the two meetings in December. Mr. Berbach said he would take the month of February and Mr. Springer said he would attend the March meetings. The balance of the calendar will be reviewed when Ms. Davis is available and the new Board member to be named at a later date.

Mr. McFarland reported the 2010 Operating Budget was approved after some amendments and deliberation. This was the last meeting for Mrs. Blakey, Mr. Evans, and Mr. Beagle.

Mr. McFarland attended the January 4, 2010 meeting and reported that various Board and Commission positions were filled. The ordinances for the issuance and sale of notes for the costs for the new water tower passed and one for the electric and water metering system to be acquired and installed were approved. There was a resolution passed to purchase 117.7 acres for annexation. Mr. Spring confirmed that there will be a zoning change for that land. Mr. McFarland said the three new Council members were welcomed, Mr. Budding, Mr. Gibson, and Ms. Black.

Mr. Springer asked about the pre-meeting session on the issue of dilapidated buildings and if there was an amendment to the code on that matter. Mr. Spring explained that the existing code refers to a building department that no longer exists within the City. There needs to be someone within the City that can make a determination that a building or structure is dilapidated or structurally unsound and it is being recommended those issues be addressed by the City Engineer. Mr. Spring said the process was based on an organization of the City that no longer exists today and hasn't for some time. There has recently been a structure that was referred to Miami County and the County agreed that it was deficient but they don't enforce that position to the owner for removal or repair. Mr. Springer asked if the Planning Board will be involved in any code amendment. Mr. Spring said it does not fall within Code Section 154 or 155 and does deal with structural integrity which the City Engineer will be able to determine.

Mr. McFarland thanked the Board for his 6-7 years as chairman and he said he felt it was time to have someone serve in the position.

Mr. Berbach asked if Spring Hill/Gardens Alive took further action on their request from the previous meeting. Mr. Spring said they appealed the decision to the Board of Zoning Appeals and that meeting will be a week from Wednesday, January 20<sup>th</sup>, if any Board member wished to attend, they were welcome to do so. Mr. Springer asked if the BZA reviewed the Planning Board minutes. Mr. Spring said that information is provided to the Board of Zoning Appeals.

Mr. Springer thanked the Board for their vote and congratulated Mr. Berbach on his Vice-Chairmanship. He asked if City Council had any goals that might relate to the Planning Board. Mr. Spring said there are none at this time. Mr. Spring said each year the Council does have a goal-setting session and there were some issues last April and those were addressed by Mr. Vath. At this time there has been no direction from the City Manager or Council on those issues but with the change


of Council members there may be something. Mr. Berbach said he felt it was important that the Planning Board addressed alternative power last year. Mr. Springer then asked if it was possible to remove the Bruns Industrial Park concept from the agenda as it has been on the table for almost two years. Mr. Spring said he would check on that.

Mr. Quinn, the applicant on the earlier agenda item had a question for Mr. Spring regarding the need for a Zoning Compliance Permit for the existing deck, as he is hoping to replace it next year. Mr. Spring said the permit would be good for one year. He suggested to Mr. Quinn that he obtain the permit and when he has a finalized plan for the new deck, then an amendment could be made and then Mr. Quinn could also apply for his building permit from Miami County at that time. This will meet the requirements for the approval made this evening for the replat.

#### Adjournment

Mr. McFarland **moved that the meeting be adjourned.** Mr. Berbach seconded the motion. Chairman Springer declared the meeting adjourned at 8:05 pm.

  
Mark Springer, Planning Board Chairman

Attest:   
Marilyn Fennell, Board Secretary